

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

THOSE CERTAIN UNDERWRITERS AT  
LLOYD'S, LONDON,

Plaintiff,

v.

Civ. No. 23-37 KG/GJF

U-DRIVE ACCEPTANCE CORPORATION,  
INC., et al.

Defendants.

**SCHEDULING ORDER**

The Court held a telephonic Rule 16 scheduling conference on October 30, 2023. The Joint Status Report [ECF 11] is adopted as an order of the Court subject to the modifications set forth below.

**IT IS ORDERED** that the parties shall adhere to the following discovery amounts and case management deadlines:

- (a) Maximum of 25 interrogatories, 25 requests for admission, and 25 requests for production by each party to any other party. Responses shall be served within thirty (30) days.
- (b) Maximum of 6 depositions per side. Each deposition is limited to one seven-hour day, unless extended by agreement of parties.
- (c) Deadline to amend pleadings or join parties: **November 6, 2023**
- (d) Expert report deadline: **April 30, 2024**, for Plaintiff  
**May 28, 2024**, for Defendants  
**June 15, 2024**, for Plaintiff's  
Rebuttal
- (e) Termination of discovery: **March 29, 2024**, for fact  
discovery  
**June 30, 2024**, for expert  
discovery

(f) Motions relating to discovery: **July 15, 2024**

(g) All other motions: **July 29, 2024<sup>1</sup>**

(h) Plaintiff shall submit a proposed pretrial order to Defendant no later than **45 days after the later of** either (1) the pretrial motions deadline, if no dispositive motions have been filed; or (2) the date on which the presiding judge resolves the last remaining dispositive motion, if any dispositive motions have been filed. Defendant shall submit a consolidated final pretrial order to the Court no later than **14 days** after receiving Plaintiff's proposed pretrial order.

Any extension of the case management deadlines must be approved by the Court. The parties, however, may extend their response and reply deadlines "by agreement of all parties" if "[f]or each agreed extension, the party requesting the extension . . . file[s] a notice identifying the new deadline and the document (response or reply) to be filed." D.N.M.LR-Civ. 7.4(a). Any extension of these briefing times must not interfere with the case management deadlines established herein.

Requests by a party to change the timing or scope of discovery must be made by motion and before the termination of discovery or the expiration of any applicable deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The cutoff for motions related to discovery does not relieve the party of the twenty-one-day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties must disclose *all* testifying witnesses, not just those for whom a report is required. *See* Fed. R. Civ. P. 26(a)(2).

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<sup>1</sup> This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions in limine. The presiding judge will set a motions-in-limine deadline in a separate order. Counsel should review and comply with the chambers-specific guidelines for the presiding and referral judges assigned to this case, which are available at <https://www.nmd.uscourts.gov/judges>. Each judge may have practices and submission procedures that counsel are expected to follow.

**SO ORDERED.**



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THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE